IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 09 OF 2005

Kailas Damodar Patil ...Petitioner

Versus

The Minister for Revenue and Anr. ...Respondents

Mr. V. Parulekar instructed by M/s. V. Parulekar & Associates for the petitioner.
Mr. G.S. Godbole with Mr. Nitin Mulye for respondent No.2.

CORAM: **DALVEER BHANDARI, C.J.** &
S.A. BOBDE, J.

DATE: FEBRUARY 16, 2005.

P.C.

The petitioner is a practicing Advocate at Nashik. He has filed this petition with a prayer that order dated 5th July, 2004 passed by respondent No.1 in Application No. LNA 30/2004/A-31 be set aside. He has also prayed that respondent No.1, by a permanent injunction, be restrained from publishing notice of withdrawal in the Government gazette, with reference to the order of respondent No.1 dated 5th July, 2004 in Application No. LNA 30/2004/A-31.

2. In the affidavit filed on behalf of respondent No.2, a gazette notification of the State of Maharashtra has been annexed in which it has been mentioned that Government of Maharashtra has decided to withdraw the notification pertaining to land admeasuring 30,000 sq.mtrs. from Survey No. 750 included in Town Planning Scheme No.2, Final Plot No. 541, Village Nashik, District Nashik from acquisition and accordingly the said notification stands modified. This has been issued after hearing all concerned. If the Government does not require the land in question, then it would not be appropriate to compel the Government to acquire the same by a judicial order. The writ petition being devoid of any merit is accordingly dismissed.

CHIEF JUSTICE

S.A. BOBDE, J.